



House of Representatives

General Assembly

File No. 285

January Session, 2007

Substitute House Bill No. 5792

House of Representatives, April 3, 2007

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A SPECIAL OPERATOR'S PERMIT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-37a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any person whose operator's license has been suspended
4 pursuant to any provision of this chapter or chapter 248, except
5 pursuant to section 14-215 for operating under suspension or pursuant
6 to section 14-140 for failure to appear for trial, may make application to
7 the Commissioner of Motor Vehicles for a special permit to operate a
8 motor vehicle to and from such person's place of employment or, if
9 such person is not employed at a fixed location, to operate a motor
10 vehicle only in connection with, and to the extent necessary, to
11 properly perform such person's business or profession.

12 (b) The commissioner may, in the commissioner's discretion upon a
13 showing of significant hardship, grant each such application that is
14 submitted in proper form and contains such information and

15 attestation by the applicant as the commissioner may require. In
16 determining whether to grant such application, the commissioner may
17 also consider the driving record of the applicant and shall ascertain
18 that the suspension is a final order that is not under appeal pursuant to
19 section 4-183. A special operator's permit shall not be issued pursuant
20 to this section to any person for the operation of a motor vehicle for
21 which a public passenger transportation permit or commercial driver's
22 license is required or to any person whose operator's license has been
23 suspended previously pursuant to section 14-227a or 14-227b. A
24 special operator's permit shall not be issued pursuant to this section to
25 any person whose operator's license has been suspended pursuant to
26 subparagraph (C) of subdivision (1) of subsection (i) of section 14-227b
27 for refusing to submit to a blood, breath or urine test or analysis until
28 such operator's license has been under suspension for a period of not
29 less than ninety days. A person shall not be ineligible to be issued a
30 special operator's permit under this section solely on the basis of being
31 convicted of two violations of section 14-227a unless such second
32 conviction is for a violation committed after a prior conviction.

33 (c) A special operator's permit issued pursuant to this section shall
34 be of a distinctive format and shall include the expiration date and the
35 legend "work only".

36 (d) Any person issued a special operator's permit pursuant to this
37 section who operates a motor vehicle during the period of the permit
38 for a purpose not authorized by the conditions of the permit shall,
39 upon receipt of written report of a police officer, in such form as the
40 commissioner may prescribe, of such unauthorized operation, be
41 [subject to a civil penalty of not more than] fined not more than five
42 hundred dollars or imprisoned not more than thirty days, or both. Any
43 person who makes improper use of a special operator's permit issued
44 pursuant to this section or in any manner alters any such permit or
45 who loans or sells such permit for use by another person shall be
46 subject to the penalties provided by section 14-147.

47 (e) If a person issued a special operator's permit pursuant to this

48 section has his operator's license suspended by the commissioner in
49 connection with any motor vehicle violation or other offense for which
50 suspension action is authorized, the special operator's permit shall be
51 deemed revoked on the effective date of such suspension, and any
52 such person with notice of the suspension who operates a motor
53 vehicle shall be operating under suspension and shall be subject to
54 double the penalties provided by the applicable provisions of
55 subsection (b) of section 14-111 and section 14-215.

56 (f) Any decision made by the commissioner under this section shall
57 not be subject to appeal pursuant to the provisions of chapter 54 or any
58 other provisions of the general statutes.

59 (g) The commissioner may adopt regulations in accordance with the
60 provisions of chapter 54 to implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	14-37a

TRA *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Correction, Dept.	GF - Uncertain	Potential Significant	Potential Significant
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Department of Motor Vehicles	TF - See Below	See Below	See Below

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

The bill makes it a crime, punishable by a fine of up to \$500 and/or imprisonment for up to thirty days, for any person to violate the provisions of a special operator's permit. There are several thousand such permits in effect. The number of violations that occur under current law (punishable by a civil penalty imposed by the Department of Motor Vehicles) was unavailable at the time that the fiscal note was prepared. However, for illustrative purposes, assuming that a relatively small percentage of violations occur (one per cent), there could be about one hundred offenses annually under the bill. It is uncertain how this new crime would be enforced: whether or not criminal fines would be imposed or a period of incarceration. On average, it costs the state approximately \$41,600 annually to incarcerate an offender.

The bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles.

The Out Years

The annualized cost for incarceration identified above would continue into the future subject to inflation. Revenues from criminal fines would remain relatively constant since the fine amounts are set by statute.

OLR Bill Analysis**sHB 5792*****AN ACT CONCERNING A SPECIAL OPERATOR'S PERMIT.*****SUMMARY:**

This bill increases the penalty for someone who violates the conditions set for driving under a special work permit issued by the Department of Motor Vehicles from a civil penalty of up to \$500 to a criminal penalty of a fine of up to \$500, imprisonment for up to 30 days or both. By law, someone whose driver's license has been suspended for most motor vehicle violations may apply for a special permit that allows him to drive for business or employment purposes, subject to the conditions the permit specifies. The motor vehicle commissioner determines the person's suitability for receipt of such a permit based primarily on his driving record. Work permits are not permitted for anyone whose suspension is due to failure to appear for trial, or for driving while already under license suspension.

EFFECTIVE DATE: October 1, 2007

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/16/2007)